Mr. Editor: I observe that Mr. T. K. Elliott in his communication to your paper, published in the last issue says, that if the proposed issue of bonds to aid in the building of the Winnsboro and Camden Railroad be illegal, voters of the usual bank examinations, he need have no hesitation in voting for came across overdue paper he was their issue. It certainly would be inconsistent for those who believe such issue of bonds to be illegal to vote for their issue for the purpose proposed, from an ethical point of view. My legal oginion is that there is no law order as election for the citizens or cision on the point. legal voters to vote upon the proposed issue of bonds to aid in the building and equipment of a railroad. The town council being limited in its jarisdiction is bound to inquire into its timid men unconsciously stress the power and authority to order such an the matter. Lawyers serve a very useful purpose besides conducting litigation for their clients, and good business men will seek their counsel and inquire into the law touching any matter of importance in their business before they go into it, however energetic they may be, in the execution of business enterprises. My friend and those who advocate the proposed issue of bonds, may indulge the hope that, though such bonds may be illegal and unauthorized in law, the may not be done. legislature may by a subsequent Act, give them life and render them valid. But the framera of the constitution of 1895, have, in my opinion, effectually barred the way to any such legislation. In Section 30, Article III, of the constitution of 1895, it is provided: "The General Assembly shall never * * · · authorize payment or part payment of any claim under any con-

It is further provided in Section 34 of the same Article: "The General ex thereof." And in subdivischarter safety in every community? the same section it is possible on XII, of Raise it, and luxuries must be General Assembly wided: "The lopped off, conveniences curtailed, deenact general law wall forthwith prise strangled, effort crippled, entersubjects for said s concerning said WINNSBORO,

State

tract not authorized by law."

ch viohis article, void, belated inodivision X of excepted and declared them null an cause the Acts in question certain counties in the State operation.

A. S. Dong

THE R. R. BONDS ONCE MC Mr Elliott on Legal Opinions

Mr. Editor: Noting a reply, by Mr. railroad bonds and his opinion on legal matters connected therewith, I pre-

sent this matter as thoroughly as I am

able, but in a suggestive rather than exhaustive way. I will remark in the outset, that I am going to drive straight at the mark with no intention to give offence, and

First, as to the matter of my friend's legal opinion in the premises; of course he had a right to give unsought advice to the town council, but would do well to remember that such advice is

semetimes not valued. I have no doubt that the town council thoroughly knows its duty and has legal advisors of its own.

As to the matter of legal advice, anyway, it is on ancertain thing. I have a friend in an adjoining town who has been manager of a bank for something over twenty years. For the first twelve years of this period, the bank's legal adviser was one of South Carolina's most astute lawyers, He had always advised my friend, that in order to hold the endorser of a promissory note liable for the debt, the note full extent as the nature of man's af- law. The whole body of commercial must be protested at maturity, and due notice served on the endorser.

The law itself prescribed the fee which the notary public was entitled to receive for this work of protesting, and which the holder had the right to

collect with the debt. My friend was a zealous banker and had read many of the standard works

the same position. The legal adviser died, and another adviser was selected-sole, prudent, cautions, conservative. My friend relied with the u-most confidence upon his opinion in all matters, and paid, with the greatest alacrity, the annual stipend for retaining his counsel. He had always counselled my friend to the same effect, on the above subject, as his first legal adviser did. I am

Sometime ago, however, another pand and grow than to die of palsy and attorney in the same town challenged inanition in the fear that the cost of the right of my friend to collect any effort may put us under the sheriff's such fees; my riend was as surprised hammer. and as indignant as if the lawfulness of his marriage contract had been called in question, and sending at once for his legal adviser was astonished to THE NEWS AND HERALD. Published and, when the question was submitted | semi-weekly.

these legal advisers and esteemed them

to him, that he began to hesitate, fill and tack, reef and unfurl, hem and haw, and asked for time to investigate a matter, that my friend had been so advised about as to consider as well settled as the course of the stars in their orbits, for, mark you, my friend's legal adviser was one of the directors of his bank, and when, in the course very inquisitive to know if it had not been protested, and cautioned against

the dangers of a failure to protest. My friend waited for two hours to get an opinion, and when he called up and it would not be commendable his adviser he begged for one hour more, and finally went in to say that the "usages and customs of banking," he thought, would make a good deauthorizing the town council even to fence, but he could find no settled de-

So much, for how much of law is

settled beyond questiou. The fact is, that the lawyers, like other men, read the law according to their temperament. The cautious and prohibitive features of law; bold and sanguine men stress the permissive feaelection, before taking any action in tures of law. The one sees the lions in the way; the other sees that they

Why shouldn't the town council order an election? Must everything stop until the construction of every lawyer on every law be settled? Doesn't the law provide the proper tribunal for testing what is law and what is not law? Can any damage pense incurred by the election, and that, so far as the writer is concerned, he himself would personally pay, rather than have self-appointed udges declare what may be done and what

Is the gentleman afraid to trust the verdict of the community that Le balks so before he is spurred?

Shall the men in the community who want to do something, and do "with their might what they find to do," be restrained in laudable efforts by men

Is there anything of more importance to the public than the matter of transportation of the varied products coming in and going out? Doesn't the rate of transportation enter into the cost of the crust of corn read that Hath this ext

Assembly shall not enact local or ery coon trunches and must not the fillionaires in the multitude of his their own attorne special laws concerning any of the interest remember always the cost of structed as to the following subjects, or for any of t' freights? Must it not be estimated authority in the man following purposes, to wit: I he whenever a child is born into the duty as they may be ac-• • Il • • • • . III Te * world, a marriage is celebrated, a regard to what I may corporate cities, towns or will, in. funeral takes place? Doesn't it de- awed by "the finale" which termine what men may undertake and friend's communication. change, amend or extend thees, or what men may not undertake with

Lower it, and communities, like be uniform anrhose which shall Phoenix from her ashes, rise and double their population in a deca le, and yet, forsooth, a community that accires to test the opinion of its citizens as to their willingness to increase the facili-ties of import and export must be stopped by the voice of a conservative

constructor of the law! gether, to sink personal differences, purpose may underlie it, is r from their and prejudices, and to take personal tisks, in order to forward the material

interest of the community. Have lawyers no duties but What harm can come of a communi-its transousiness made r

ty taxing itself to multiply portation facilities? Whose be willing to the State, but if a note is made by a is it but their own if they be willing to the State, but if a note is made by a A. S. Douglass, to my recent commu- to tax themselvee? Why should they nication to your paper on subject of not have as much right to do that as for any other public benefit? Have State, it is considered a foreign bill of agent feared his road would love busi- plaint. we not seen, in the recent elections, exchange and protest is absolutely mess, but instead, at the end of some when communities desired to impose necessary. But it has always been the months he found that the fare, for passume, though I have little time to upon themselves burdens greater than spare, I might as well take time to pre- the constitution allowed, a special vote far back as my knowledge extends, to taken on the subject of amending the constitution so that they might have the privilege of doing what their own citizens wished to do?

If, as my friend estimates, this comditional bonds, will not their invest. as well so the principal and interest den railroad shall be built and carried munity can only issue \$33,000 of admeut in a competitive railroad be due on the meet. While the courts farther on, as it will be if it comes at Winnsboro, County of Fairfield, in more productive than an investment in an electric or water plant? Will not gard to protest of notes, they have all here? The freight of the C. C. & A "naught in malice set down and naught such an investment bring about an increase of taxable values that would ment of a note to the maker, at maturi- at present, will probably be doubled later assure a basis for these other public works?

(If he is willing to further an electric plant, I know a citizen who will convenience of proof of due present- the poorest counties. The white popuadvance 1.8 the cost and agree to do ment and notice of non payment to the lation is sparse, its lands wached and so without interest for five years.)

will approximate, if not surpass, \$200 all good lawyers will advise bank will remain comparatively value css per day, or \$60,000 per annum; a bare officers to continue the observance of and our good people, who do not emi saving of ten per cent, by reason of the custom. and will look for and ex- grate, will continue to be harassed by competition, would save \$6,000 per pect this customary evidence that due poverty and debt. I have grieved over annum. The interest at 5 per cent on notice has been given to endorsers, in the condition of our people and I have and received a good price; why not \$50,000 of bonds would be \$2,500. A examining bank assets. As far back expended the energies of my life in efsaving of 25 cents in freight per bale as 1822, by an act of the legislature of forts to get railroads, in order to life saving of 20 cents in freight per bale as 1022, b) an act of the legislature of forts to get railroads, in order to lift cotton, or an export of 10,000 bales this State, it was provided, that where them out of the "S ough of Despond", cotton, or an export of 10,000 bases this state, it was been a weritable Cassandra. the notary public, who had protested but I have been a weritable Cassandra. All my arguments and all my warnings import of that amount would pay the interest charge.

It is not necessary to enlarge on this line. The town should require, before paying over the bonds, that competition be assured. This done, to as vestment, (for heaven knows the town chants and grew and increased by fairs will permit, the value of the incan get stock if it wants it), or bonus, (call it what you may), is as self evi-

dent as Euclid's axioms. It is not needfal to speak of the enhancement of the value of property, should a competitive railroad be secured; or of the stimulating effect on on law on this subject, all affirming the activities and spirits of our people;

nor of other phases along this line. I come to the finale: We believe the present town council will order an election but if not, we will elect one that will. If the courts decide that there is no law to vote bonds for this dent was absent, or did not have It is too late in the day to waste words purpose we will go to work to have charge of the notes or bank paper, trying to convince any one of the absothe constitution amended, and not until we are defeated in this effort will to protest a promissory note where gress of the country. That all intelliwe be content to continue to shrink the parties lived in this State, provided from a taxable value of \$600.000 in due notice of presentment for pay- otic) people do not join heart and hand sure that Mr. Douglass knew both of 1884 to a taxable value of \$500,000 (according to my friend) in 1900.

We prefer to burst in the effort to ex

T. K. Elliott. -Now is the time to subscribe to THE RIGHT OF FREE SPEE

Mr Douglass Asserts His Constitu Right to be Heard in This Land of ty--His Argument is that Taxat the Promotion of Private Ent Even Though it be of a Public is Wrong in Principle--Railr Good Things, but so are Numer Things, Such as Cotton Mills Where is the Authority to lay all the People for their Construction

Mr. Editor: The communication Mr. T. K. Elliott published in the issue of your paper, contains a gest deal of matter that is entirely i ant to the question under discussion, to wit: the power and authority of the town of Winnsboro to issue bonds in stitutional limitations, in a case where aid of a railroad and the authority of the Superior Court of Michigan held the town council of Winnsboro to such an isone of bonds uncon-titutional. order an election for such purpose.

dressed to the reason and interligence prises as to which, the comparison, of the citizens of Winnsboro, including even in degree, would not be to the also the town council. When the petition, relating to the issue of bonds to cipal government can tax its circums to aid in the building and equipment of make a donation to a railroad comthe Winnsboro and Canden Railroad, pany, because of the incidental benewas published at the instance of my fits expected from its operations, we do not go a single step further when friend, the legality of such issue of we hold that it may use the public bonds, and the power and authority of funds to erect a cotton or woole, facthe town conneil in the premises, be- tory, or a building suited to the manucame a matter for public discussion, and of interest to all the taxpayers in come of this save a few dollars of ex- the town of Winnsbiro. In giving my legal opinion in reference to the proposed issue of bonis, sustained by the sections of the onstitution and the statute law cited I have only exerspeech, which i guaranteed to the humblest citizenn this land of liberty; when I think to public interests demand it, to exrcise this constitutional who seek rather to find what can not right, withou fear, favor or affection, but at the sale time, with due consideration, an respect for the rights of others. "The very and and front of

fending

In regard to what my frie about legal advice being an "ut thing" and as to what he says the legal advice given to his 'frie zealous banker," by his legal adviset-with respect to the necessity of protesing a note in order to hold the dorsers liable and the payment of py test fees, I suppose my friend his some object in inserting what purporta to be the experience of a manager of bank with his legal advisers; but to me it seems, it is not at all germane to a question under discussion. But whe ever sting may lurk in it, is ver It becomes business men to band to- easily extracted, and whatever cover perfectly harmless, by a coment of the law. Our co-State, whenever the good

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As both roads, to s me exte

sengers alone, amounted to more than

would have moved years ago to some

place where I could have had pros-

perity around me and been enabled to

which I have not been ab'e to do in

But for the glimmer of light given

prises and on a greater scale would not

long be delayed. With railroad facili-

ties our water power and agricultural

oped and the county will take its place

gent, (not to say benevo'ent and patri-

CASTORIA.

Bears the

G. H. McMaster.

made, have alway

es living person residing in one State and payable to a person residing in another custom of the banks in this State as protest all notes, whether classed as he had previously taken for both inland bills or foreign bills, and to freight and passenger. If this is so, charge protest fees, and whenever how much may we expect the business placed in my hands for collection, I of the C. C. & A. railroad to be inhave always collected the protest fees creased when the Winnsboro and Cam ways insisted on proof of the present- railroad, instead of \$60,000 a year, as ty, and of due notice of non-payment and the business of the county greatly to the endorsers, in order to hold them increased. Fairfield, from being natliable for its payment. Hence for uraily the richest, has become one of endorsers, it is the custom of the banks | neglected and its roads bad Without The freights now paid by the town to protest all commercial paper, and railroads the plantations of the county lived out of the county, in which suit have been unavailing. If I had known suit ble for brood mares. was brought, his protest of the bill or that my efforts to restore prosperity to note is sufficient evidence of notice Fairfield, would have so failed, I against any of the parties to such bill or note. Commercial usages make law had its origin in customs of mer- retain the products of my own exertion long usage, until it came to be recogthe county of my birth. nized as valid law by the courts. So when the legal adviser of my friend's out by the granite quarries, the cotton "friend the zealous banker" spoke of mill and the oil mil. the prospect would "the usages and customs of banks" as be blue indeed. But the proposed railto protesting paper, he meant something | road will be worth them all and more, -a great deal more than seems to if we can get it. For similar enterhave been impressed upon the mind

of the "zealous banker." If I am allowed to refer thus personally to myself, in this connection, and mineral resources will be devel-I have advised the present cashier of The Winnsboro Bank, while its presi- among the wealthiest in the State that it was not absolutely necessary lute necessity of railroads to the proment, and of non-payment was given | in efforts to give to the community all to endorsers, if for any special reason, the benefits to be derived from rail-

he preferred not to protest the note roads and do not refrain from uttering I am not opposed to my friend's en- a word that might be construed into terprise, but would be glad to have a unfriendliness to them, passes my comcompeting railroad to Winusboro. prehension. However, I am opposed to the municipal corporation of Winnsboro issuing bonds to aid in the building and equipment of a railroad, and levying a tax upon it civizens to pay them. It vio- Signature lates the constitutional principles

governing taxation. The town council of Winnsboro under the State Constitution is invested with the powa disollect a tax only for corporate purposes, and the proposed issue of bonds to aid in building a railroad from Winnsboro to Camden is certainly not a corporate purpose, appertaining to the municipal corpo-ration of Winnsboro. The incidental benefit arising from the building and operation of such a railroad will not justify such taxation. Towns are built up and property within their limits is increased in value by factories and other industrial enterprises, as well as by the building of railroads. Chief Justice Cooley, the eminent author of the standard work on con says: "The difference in the cawould be in degree, and not in kind; What I have written has been ad- and it would be easy to suggest energy advantage of the railroad. And when we have once determined that a mumfacture of tobacco, and present it on

and growth in population by the estanlishment of factories and other industrial enterprises, with only one railroad. In less than ten years, its popcised the constitutional right of free ulation has increased from about fifteeu hundred to over five thousand, as shown by the United States census. and its own people claim that there and I propose in all proper occasions, are seven thousand people in the town and suburbs. Its town council has recently issued \$35,000, of 4 per cent bonds at 101.05, for the construction of a sewerage system. Yorkville has had the advantage of 'two independent lines of railroad, for ten years or more, and has now a population of two thousand and twelve, and only recently has commenced to grow by the erection of factories and municipal improvements. A correspondent of the Charleston News and Courier, who is a resident of Youkville, in a very recent issue of that paper says: "Yorkville is at the mercy of two independent railroads, and would be glad to see them both

gobbled by one of the great systems.' If the town of Winnsboro should issue \$50,000 of 5 per cent bonds, as proposed by my friend, it would have to pay not only \$2,500, interest each year, but an additional amount of \$1,250, if they be 40-year bonds, for a sinking fund to pay the principal when due, as required by Section 7, Article VIII of the Constitution of the State. The amount raised by the taxes now levied by the town council amount to \$2,500. To pay the interest and provide a sinking fund for the payment of

Promotes Digestion Cheerfulness and Rest. Contains neither Opium, Morphine nor Mineral NOT NARCOTIC. Pacipe of Old fir SAMUEL PITCHER Pumpkin Seed -Alx Serna + Rochelle Selts -Anise Seed + Peppermint -Bi Carbonale Socia + Werm Seed -Clarified Sugar Wintergreen Flavo Aperfect Remedy for Constipa fion, Sour Stomach, Diarrhoea Worms, Convulsions, Feverishness and LOSS OF SLEEP. Fac Simile Signature of Catt Flitetie. NEW YORK. S Doses EXACT CORY OF WRAPPED

AVegetable Preparation for As-

similating the Food and Regula-

ting the Stomachs and Bowels of

INFANTS CHILDREN

Bears the Signature Thirty Years

SUMMONS.

STATE OF SOUTH CAROLINA,

COUNTY OF FAIRFIELD. COURT OF COMMON PLEAS. The Peoples Bank, of Winnsboro, South Carolina, Plaintiff, against

Sol. Wolfe, H. C. Wolfe, David C. B. that they have given us in the past. Wolfe, Sara W. DesPortes, Re-Wolfe, Sara W. DesPortes, Re-becca C. Brannon, Etta L Nathan, D. J. Kaufman, Isabelie Baruch, and Rose E. Lytton, Defendants.

Copy Summons. For Relief. Complaint

day of such service;

Plaintiff's Attorneys.

in this action will apply to the Court

RAGSDALE & RAGSDALE,

To all of the defendants above-named

except the defendant Sara W. Des-

Take notice that the complaint in

RAGSDALE & RAGSDALE.

Plaintiff's Attorneys

November 30th, 1900.

1st day of December, 1900.

said County,

not Served. To the Defendant above-named: WOU are hereby summoned and reNotice.

To the Public and to Whom it May Concern:

Notice is hereby given that I have this day sold to D. V. WALKER & CO. the entire stock of merchandise of the late Q D. Williford, and I respecifully ask that my friends bestow the same liberal patronage on them

Administrator, 5 Winnsboro, S C., Dec. 26, 1900.

We having this day purchased the stock of merchandise of Q. D. Williford, deceased, respectfully ask a share of the public patronage. Our aim will be to carry one of the best stock of united to answer the Court of competitivella rices which will defy

WALKER & CO.

K'S SALE.

ne of a decretal order to me fail to answer the complaint D die ted, I will sell before the on the time aforesaid, the plaintiff Court House door in Wiansboro on MONDAY, THE 71'H DAY OF JANthe same territory the G. & C. railroad for the relief demanded in the com- UARY, 1991, the following described property, to wit:

All that plantation or tract of land, lying, situate and being in the County of Fairfield, State of South Carolina, on the waters of Cedar Creek, about one mile west of the town of Ridgeway, containing

TWO HUNDRED ACRES.

this action (together with the sum- more or less, and being the tract of mons, of which the foregoing is a copy,) was filed in the office of the Clerk of the Court of Common Pleas, Mary E. Kee, and of which the said Mary E. Kee died seized and possessed. Sold at the suit of John A Kee vs. the State of South Carolina, on the Carrie E. Kee et al.

TERMS OF SALE.

One-third case, and the balance on a credit of one and two years in two equal instalments, with interest from the day of sale, to be secured by the bond of the purchaser and a mortgage of the premises sold, with the privilege to the purchaser to pay the whole or any portion of the credit instal-ment in cash. The purchaser shall pay for all papers and revenue stamps.

JOHN C. McFADD IN.
C. C. P. Chester County.

Clerk's Office, Dec. 15, 1900. 12-11td

YOU HAVE MADE A BIG CROP

enjoy life by purchasing a nice horse from me. I have three or four good Combination Herses, up-to-date saddlere and nice drivers; also three nice Mares, good workers and well bred-

MULES.

They are acclimated and can stand hard work. Some of them are large turns. Returns to be made of all permules, suitable for heavy work. I so sonal property A penalty of 50 per sell them as cheap as you can buy then anywhere. Also a few plugs. Come to see me and I will try and please

Remember, if your borse or mule does not suit you come to see me and I will try and let you have one that will

CATTLE.

I am always in the market, sed will buy any class of cattle that you have to sell. See me before you sel.

A. Williford.

Wiansberg, S.C.

THE POSITION OF RESIDENT 31. A Special Agent of the Equitable Life Assurance S ciety for Winnsboro and vicinity is opened to a man of good character and ability. A v. un- February 6. ble contract, carrying renewals, will The Kind You Have Always Bought be given to the right man. Address, W. J. RODDEY, Mgr , Rock Hill,

Tax Returns

THE OFFICE OF COUNTY AU ditor will be open from the 1st day o January to the 20th day of February for the purpose of receiving tax remake returns within the above mentioned dates. All male persons be-tween the ages of 21 and 60 are liable to poll tax, unless otherwise exempt by law, and are required to make reinru of same.

The Auditor or Deputy will be at the following places on the days specified:

Albion, Tuesday, January 15. Buckhead, Wednesday, January 16. Wolling, Thursday, January 17. Crosbyville, Friday, January 18. Woodward, Tuesday, January 22. White Oak, Wednesday, January 23. Gladdens Grove, Thursday, January .

Frint Hill, Friday. January 25. Longtown, Tuesday, January 29. Centreville, Wednesday, January 30. M. L. Cooper's, Thursday, January

Blythewood, Friday, February 1. Ridgeway, Tuesday, February, 5. Horeb (Curlee's Store), Wednesday,

Jenkinsville, Thursday, February 7. Monticello, Fri ay, February 8 J. I. RICHMOND,

A. F. C.